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PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 21, 2007.

August 21, 2007
Date

Delbert J. Barnard
Delbert J. Barnard
Reg. No. 20,515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3711
Examiner: Urszula M. Cegielnik
Applicant: Brett J. Diffley
Serial No: 10/687,778
Filing Date: October 16, 2003
For: FLOATING WATER TOY
Date: August 21, 2007

COVER LETTER

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

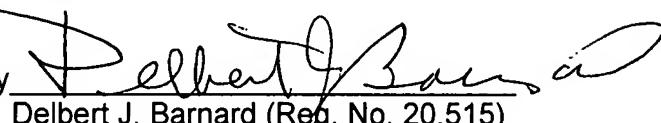
Enclosed relating to the above-identified patent is:

- (1) a Response To Decision On Petition (3 pages); and
- (2) a Receipt Postcard.

Please charge any fees associated with this communication or credit any overpayment to Deposit Account No. 02-0915. Two duplicate copies of this Cover Letter are enclosed.

Respectfully submitted,

Brett J. Diffley

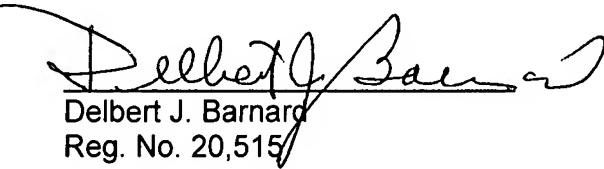
By 
Delbert J. Barnard (Reg. No. 20,515)
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RESPONSE TO DECISION ON PETITION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in answer to the Decision On Petition by Petitions Examiner David Bucei, dismissing applicant's petition to revive filed August 14, 2006.

In the Decision, Petitions Examiner Bucei stated that the amendment that was submitted with the petition did not *prima facie* place the application in condition for allowance. In an Advisory Action Examiner Urszula M. Cegielnik stated that the

proposed amendments raised new issues that would require further consideration. Specifically, she stated that the amendments presented additional claims without canceling a corresponding number of final rejected claims. In addition, she stated:

The amendment (filed 14 August, 2007) appears to raise new issues which would require further consideration and/or search. Amended claim 1, for example, recites newly added limitation, "lower portion of the buoyant body is an inflatable structure that includes said bottom opening, and said upper portion has a lower end that is connected to the lower portion substantially about the bottom opening, said lower portion being inflatable to make the buoyant body buoyant, and said upper portion being inflatable to give it standup form whereby it stands up from the lower portion." This limitation was not present in the previous set of claims and will need to be addressed.

In answer to the Examiner's statement, as was pointed out in the Response, the body of allowed claim 2 was inserted verbatim into claim 1 and claim 2 was cancelled. Claim 3 which had previously depended from claim 2 was amended to depend from claim 1. Claims 4 – 10 were not amended. However, these claims all depend either directly or indirectly from amended claim 1.

It is submitted that the Examiner was wrong when she said that the language added to claim 1 was not present in the previous set of claims.

Petitions Examiner Bucei is asked to return the application to Examiner Urszula Cegielnik so that she can compare amended claim 1 with original claims 1 and 2. It is submitted that when she does this she will see that the language added to claim 1 was the language that was in claim 2.

Since receiving the Decision On Petition, the undersigned has telephoned Petition Examiner David Bucei who suggested that I telephone Examiner Urszula Cegielnik which I did. I did not talk to Examiner Urszula Cegielnik directly but left her a voicemail. She sent me a voicemail in return requesting that I respond to the Decision

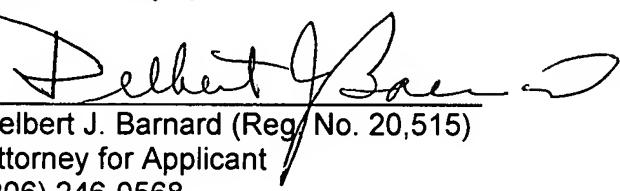
On Petition by requesting that the application be returned to her for further consideration.

If needed, or desirable, I am available to discuss this matter. Please call me at (206) 246-0568.

Respectfully submitted,

Brett J. Diffley

By


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